



Monaco

Country Reports on Human Rights Practices - [2003](#)

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Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 24-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. The judiciary is independent.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials maintained effective control of both forces. There were no reports that security forces committed human rights abuses.

The population was approximately 32,000, and the principal economic activities were services and banking, light manufacturing, and tourism. The economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Prince. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. The Government permits visits by human rights monitors; however, there were no such visits during the year. After prisoners receive a definitive sentence, they are transferred to a French prison to serve out their prison term.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The police force is structured into five divisions: The urban police, the judicial police, the administrative police, the administrative and training unit, and the maritime and airport police. Their collective role is to maintain law and order.

Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to visit detainees.

The Penal Code prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

Under the Constitution, the Prince delegates his judicial powers to the judiciary. The law provides for a fair, public trial, and the independent judiciary respected these provisions in practice. A defendant has the right to be present and the right to counsel, at public expense if necessary.

As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal to the Court of Appeal or, if need be, to the Court of Legal Revision, which would render its decision solely on the correctness of the application of the law, not on the facts of the case.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media respected in practice.

Several periodicals were published. There were no domestically published daily newspapers. Foreign newspapers and magazines circulated freely, including French journals that specifically covered news in the Principality. Foreign radio and television stations were received without restriction. Stations that broadcast from the Principality operated in accordance with French and Italian regulations.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. Residents moved freely within the country and across its open borders with France. Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

The law provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in the Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government and all are responsible to the Prince.

Only the Prince may initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting.

The Constitution provides for three consultative bodies. The Prince must consult the seven-member Crown Council, composed exclusively of Monegasque nationals, on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Minister of State nominates the Director and other members; the Prince ratifies their nominations.

Women were active in public service. The Mayor of Monaco, one member of the Crown Council, five members of the National Council, and four members of the Economic Council were women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed. Foreign groups did not seek to investigate human rights conditions in the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of inviolability of the home.

Women

Reported instances of violence against women were rare. Marital violence is strictly prohibited, and any wife who is a victim may bring criminal charges against her husband.

Women were represented fairly well in the professions; however, they were represented less well in business. Women received equal pay for equal work, and there were no reports of sexual harassment.

Rape is illegal and punishable by 10 to 20 years' imprisonment under Article 262 of the Penal Code. There are no specific provisions dealing with spousal rape.

The law does not specifically prohibit prostitution, but Article 265 of the Penal Code authorizes a 6-month to 3-year imprisonment, plus a fine, for anyone convicted of forcing another person into prostitution. A husband who forces his wife to engage in prostitution can be sentenced to 1 to 5 years' imprisonment plus a fine.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children

The Government was committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16.

Although there were isolated reports of abuse of children, there was no societal pattern of such abuse.

Persons with Disabilities

There was no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

Section 6 Worker Rights

a. The Right of Association

Workers were free to form unions, but fewer than 10 percent of workers were unionized, and relatively few workers, unionized or non-unionized, resided in the Principality. Unions were independent of both the Government and political parties.

Anti-union discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

b. The Right to Organize and Bargain Collectively

The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. The law provides for collective bargaining; however, it was rarely used.

The Constitution provides for the right to strike, including Government workers, in conformity with relevant legislation. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

e. Acceptable Conditions of Work

The legal minimum wage for full-time work is the French minimum wage approximately \$8.88 (7.10 euros) per hour, plus 5 percent. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal workweek was 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the government Labor Inspector.

Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.